

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 11, 2008, which has been reviewed and carefully considered.

By means of the present amendment, claim 11-12 have been canceled without prejudice and their features included in independent claim 1. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

In the Final Office Action, claims 1, 3-4 and 6-15 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,801,483 (Watanabe). Further, claims 9-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Watanabe in view of WO 01/56350 (Hendriks). It is respectfully submitted that claims 1-12 and 13-14 are patentable over Watanabe and Hendriks for at least the following reasons.

Watanabe is directed to a fluorescent lamp that includes two phosphor layers 21, 22 on the inner surface of an envelope 2, and a photo catalytic layer 31 on the outer surface of the envelope 2,

shown in FIG 9.

In stark contrast, the present invention as recited in independent claim 1, amongst other patentable elements recites (illustrative emphasis provided):

a portion of an inner surface of the discharge vessel facing the discharge space being provided with a protective layer adjacent said luminescent layer, characterized in that

the protective layer comprises aluminum oxide or yttrium oxide and further comprises a borate and/or a phosphate of an alkaline earth metal and/or of scandium, yttrium, or a further rare earth metal,

an inner side of the protective layer facing the discharge space is provided with said luminescent layer, and

an inner side of said luminescent layer facing the discharge space is provided with an additional protective layer.

Three layers formed on the inner surface as recited in independent claim 1 are nowhere disclosed or suggested in Watanabe. Rather, Watanabe disclosed two layers on the inner surface of an envelope 2, and a photo catalytic layer 31 on the outer surface of the envelope 2. Table 1 on column 6 of Watanabe specifically shows four samples that include two phosphor layers 21, 22 on the inner surface of an envelope 2, where a fifth sample has only one phosphor layer, as recited on column 5, line 34, to column 6, line

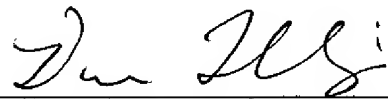
3, and column 6, lines 15-16. Hendriks is cited to allegedly other features and does not remedy the deficiencies in Watanabe.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-12 and 13-14 should also be allowed based at least on their dependence from independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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